

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for August 30, 2006 PLANNING COMMISSION MEETING**

**P.A.S.#:** County Change of Zone #06049

**PROPOSAL:** Marvin Krout has requested a Change of Zone from AGR to AG on property generally located at S.W. 40 and Rokeby Rd.

**LAND AREA:** 30.00 Acres, more or less, 28.27 net (about 14 acres in the County jurisdiction).

**CONCLUSION:** In conformance with the 2025 Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** That portion in the Lancaster County jurisdiction of Lot 23, Irregular tract in the Northwest Quarter of Section 32, T9N, R6E, in the 6th P.M., Lancaster County, Nebraska.

**LOCATION:** Southeast of the corner of S.W. 40 and Rokeby Rd.

**EXISTING ZONING:** AG Agriculture in the Lancaster County Jurisdiction

**EXISTING LAND USE:** farm land/pasture

**SURROUNDING LAND USE AND ZONING:**

North: Agriculture, zoned AG, Yankee Hill Lake across the intersection to the northwest South:

Agriculture, zoned AG

East: Agriculture, zoned AG

West: Agriculture, zoned AG

**ASSOCIATED APPLICATIONS:** None

**HISTORY:** The County Board approved change of #04053, from AG to AGR, in July 2006. The City three mile took in about ½ of the jurisdiction on this parcel the day of the Board action. A change of zone by the same applicant, to the east of this parcel, was denied in 1999. Changed from AA Rural and Public Use to AG Agriculture in the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Plan shows this as Agriculture, across the street from Environmental Resources. This is in the Lincoln growth Tier III, across the street from Tier II. The 2025 Comprehensive Plan states:

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot) and AGR - Agricultural Residential District (minimum of 3 acres per lot) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies (pg F 70)

Acknowledge the "Right to Farm" and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages (pg F 70)

Retain the current overall density of 32 dwellings per square mile (20 acre) for all agriculturally zoned land. Provide for an ability to divide two 3 acre lots per "40" acre parcel with conditions and administrative review and right of appeal. This would allow more flexibility for parcel size while retaining the overall density and assist in retaining farmable units of land. (F 70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F 70)

Development of a performance standard "point system" will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient "points" can be accumulated to justify the development at the requested location." (F 71)

### **SPECIFIC INFORMATION:**

**UTILITIES:** No water district. Water information was submitted. Norris Public Power is the electric provider.

**TOPOGRAPHY:** Rolling, draining to the east and a tributary to Cardwell Creek.

**TRAFFIC ANALYSIS:** This area is served by W. Rokeby Rd. and S. W. 40th Street. Both are gravel county roads and are not programmed or shown for improvement during the planning period. Pavement is two miles north or east.

**PUBLIC SERVICE:** This is in the S.W. Rural Fire District (Advanced Life support, station located about 5 ½ miles away) and School District 152. This is served by the Lancaster County Sheriffs Department. This is in the Norris Public Power District.

**REGIONAL ISSUES:** Expansion and location of the acreage areas. Protection of farming operations. Protection of State lakes.

**ENVIRONMENTAL CONCERNS:** There are no identified historic or ecological resources on this site. A small cemetery is located across the road to the north (Wesley chapel). The soil rating on this land is 5.5 on a scale of 1 to 10 where 1 to 4 are prime. This is not prime ag land. There is no FEMA mapped flood plain. No animal confinement was noted in the immediate area. Yankee Hill State Lake property is across the road to the northwest.

**AESTHETIC CONSIDERATIONS:** n/a

**ALTERNATIVE USES:** Continued agricultural use or one residential lot.

**ANALYSIS:**

1. This request is for a Change of Zone from AGR to AG on that portion of a 30 acre parcel that is in the Lancaster County jurisdiction.
2. The City jurisdiction of this parcel is zoned AG and the County portion is AGR
3. This request is in conformance with the Lincoln-Lancaster County Comprehensive Plan map which shows this as Agriculture.
4. The owner requested the Planning Director to initiate this request and the Director agreed and waived the fees.
5. Some acreage review issues can be addressed in this report:
  - a) Water/rural water,  
There is no rural water district, a water report was provided that shows adequate water
  - b) Road access and paving,  
W. Rokeby Road and SW 40th Street are gravel county roads and are not proposed for improvement. This is two miles from a paved road.
  - c) Soil rating,  
The soil is good but not prime ag land of the county.
  - d) Development of the area/land parcelization,  
The surrounding land in this area is in substantially larger parcels of 40 and 80 acres in area. To the northwest is Yankee Hill State Lake.

- e) Existing acreages,  
There are no abutting acreage developments. Existing acreage development and AGR zoning is one to two miles away.
- f) Conflicting farm uses,  
The abutting land to the south has a “guard lama” operation.
- g) Environmental issues,  
This is across the street from Yankee Hill State Lake.
- h) Impact on other governmental entities,  
This change of zone will decrease potential demand for service on the Sheriff, Rural Fire, School, Roads and others. The level of impact is not known.
- i) Plans of other towns,  
NA

Prepared by:

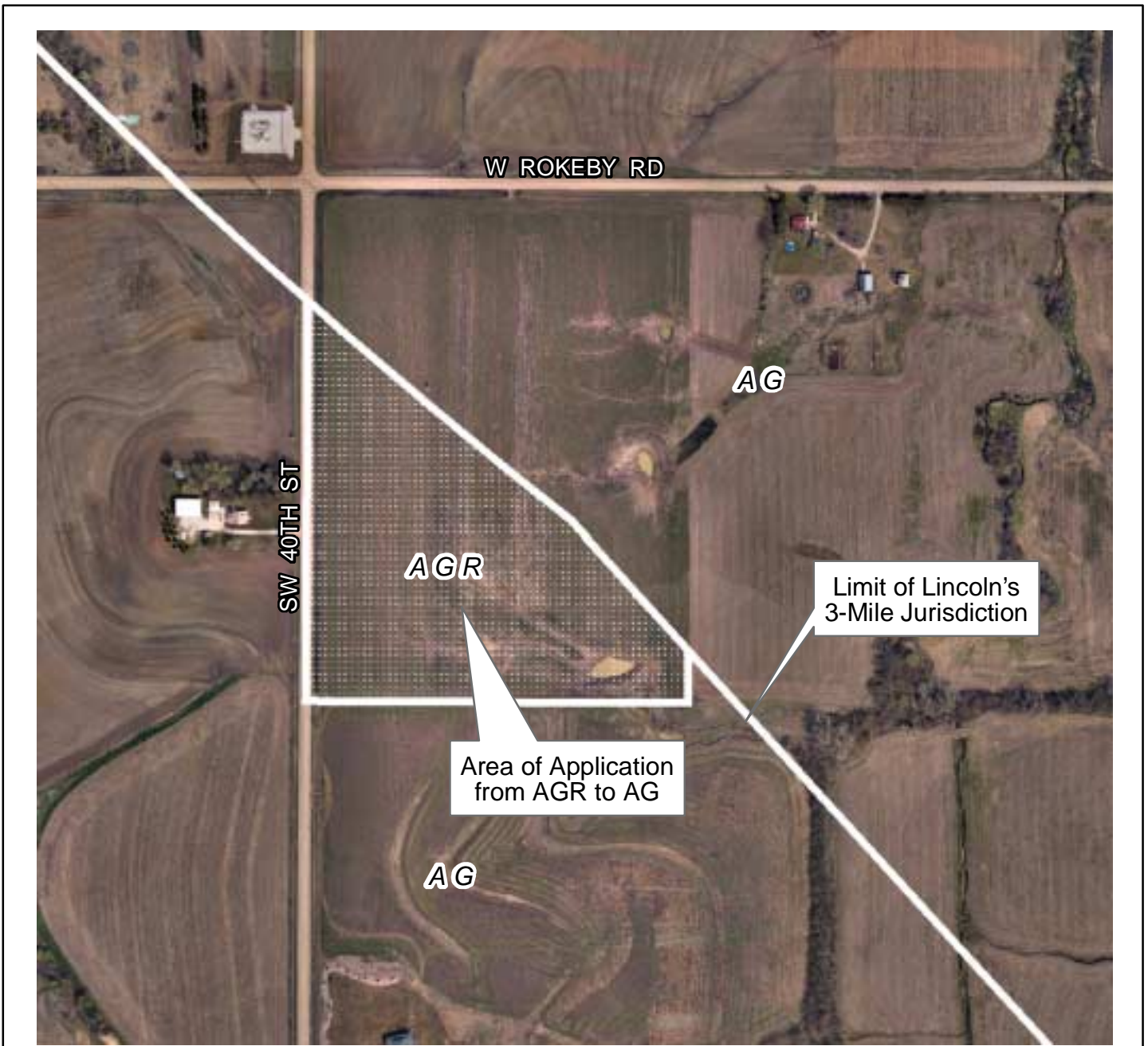
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Mike DeKalb, 441-6370, [mdekalb@ci.lincoln.ne.us](mailto:mdekalb@ci.lincoln.ne.us)  
Planner  
August 9, 2006

**APPLICANT:** Marvin Krout Planning Director  
at the request of Mark Hunzeker  
555 So 10<sup>th</sup> Street  
Lincoln, NE 68508  
(402) 441-7491

**CONTACT:** Mike DeKalb  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508  
441 - 6370

**OWNER:** Wapiti Enterprises, Inc  
10251 S.W. 27<sup>th</sup> Street,  
Lincoln, NE 68423



2005 aerial

## County Change of Zone #06049 SW 40th & W Rokeby Rd.

### Zoning:

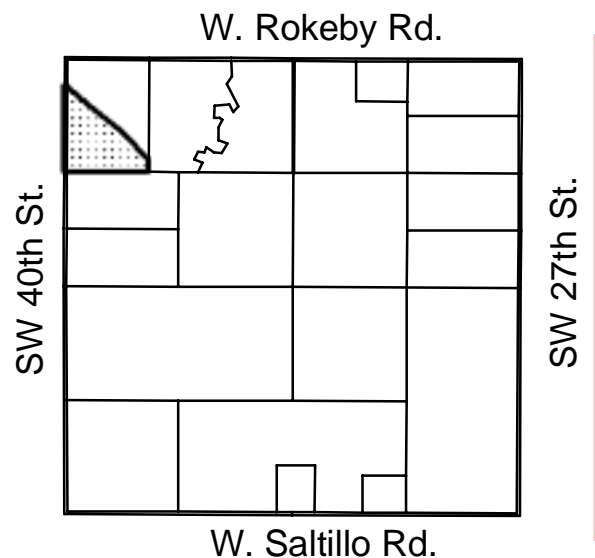
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 32 T9N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln - Lancaster County Planning Dept.

Lancaster

County

Engineering

Department

**DON R. THOMAS - COUNTY ENGINEER**

DEPUTY- **LARRY V. WORRELL**  
COUNTY SURVEYOR

**DATE:** August 1, 2006

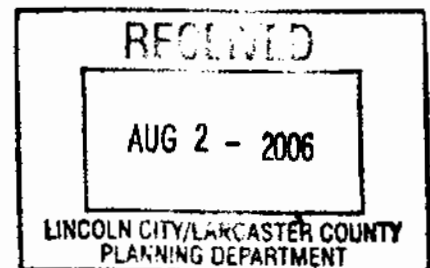
**TO:** Mike DeKalb  
Planning Department

**FROM:** Larry V. Worrell  
County Surveyor

**SUBJECT:** CHANGE OF ZONE NO. 06049  
SW 40<sup>TH</sup> STREET & ROKEBY ROAD

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Upon review, this office has no direct objections to this submittal.



LVW/bml



"Mark Hunzeker"  
<MHunzeker@Pierson-Law.com>

07/28/2006 01:54 PM

To <MDekalb@ci.lincoln.ne.us>

cc

bcc

Subject Wapiti Enterprises COZ

Mike:

As we discussed by phone, we would like to just go back to AG zoning on the portion of the property rezoned AGR by the County Board. We would appreciate it if the request could be initiated by the Planning Director.

Thanks, Mike.

Mark

